

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CARL JOSEPH MCDANIEL,

Plaintiff,

v.

Case No. 20-cv-1919-bhl

WISCONSIN DEPARTMENT OF
CORRECTIONS,

Defendant.

ORDER

Plaintiff Carl McDaniel is proceeding with a claim that the Wisconsin Department of Corrections violated the Americans with Disabilities Act at the Oshkosh Correctional Institution. Since filing the complaint in December 2020, McDaniel has filed numerous repetitive and unnecessary documents with the Court. In response, the Court has warned McDaniel four times that cluttering the docket with numerous, unnecessary filings creates confusion and interferes with the ability of the Court and the parties “to secure the just, speedy, and inexpensive determination” of the action. *See* Dkt. Nos. 16, 18, 22, and 28. McDaniel has ignored these warning and has now filed his fifth “motion for judicial notice.” Dkt. No. 29.

McDaniel’s repetitive and cumulative motions are an abuse of this Court and the judicial process as a whole. *See In re McDonald*, 489 U.S. 180, 184 (1989) (“Every paper filed with [the Court], no matter how repetitious or frivolous, requires some portion of the institution’s limited resources. A part of the Court’s responsibility is to see that these resources are allocated in a way that promotes the interests of justice. The continual processing of petitioner’s frivolous requests for extraordinary writs does not promote that end.”). This Court has the inherent power to sanction

litigants who engage in harassing, frivolous, or abusive conduct. *See Support Sys. Int'l v. Mack*, 45 F.3d 185, 186 (7th Cir. 1995). Thus, the Court will deny his fifth motion for judicial notice and will summarily deny and/or strike from the record any other documents filed by McDaniel that are repetitive and unnecessary.

IT IS ORDERED that the plaintiff's fifth motion for judicial notice (Dkt. No. 29) is **DENIED**. The Court will summarily deny and/or strike from the record any other documents filed by McDaniel that are repetitive and unnecessary.

Dated at Milwaukee, Wisconsin this 28th day of April, 2021.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge